

Exhibit A

From: Juliet Remi
Sent: Monday, June 21, 2021 3:09 PM
To: aaron@etra.com
Cc: Steven Popofsky; Pamela Frederick
Subject: Benthos Master Fund, Ltd. v. Etra - Order
Attachments: 074 Order.pdf

Mr. Etra, please see the attached order.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENTHOS MASTER FUND, LTD,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/17/2021

Petitioner,

ORDER

-against-

20-CV-3384 (AJN) (KHP)

AARON ETRA,

Respondent.

-----X

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

On April 30, 2020, Petitioner filed a petition to confirm an arbitration award in the amount of \$5,314,448.72 (ECF No. 1). After the award was confirmed by the court (ECF Nos. 14-15), and pursuant to Federal Rule of Civil Procedure 69(a)(2), the Petitioner sought post-judgment discovery and served several subpoenas to various financial institutions in aid of the judgment.

Since February 9, 2021, the Respondent has failed to comply with three court orders (ECF Nos. 39, 54, 59) and two subpoenas, prompting Petitioner to request that the Court order the Respondent to answer to his discovery requests. (ECF No. 60)

On February 26, 2021, I held a conference with the parties and issued an order in aid of settlement that ordered the Respondent to produce the requested records for in camera review with the aim of assisting the parties in reaching a resolution of this matter. (ECF No. 63) On March 15, 2021, the Respondent submitted certain records for in camera review consistent with this Court's Order and that also were responsive to Petitioner's prior requests.

On April 1, 2021, this Court held a settlement conference whereby the parties discussed a resolution of the matter, subject to Petitioner making certain payments and, upon failing to make such payments, providing the documents that were previously ordered produced and provided to the Court in camera. Consequently, I denied Petitioner's letter motion for discovery (ECF No. 60) but allowed the Petitioner to renew his motion should the Respondent fail to comply. (ECF No. 65)

Respondent failed to make any payments and, as a result, Petitioner now renews his motion seeking information about the whereabouts of Defendant's assets for purposes of collecting amounts due. (ECF No. 66)

WHEREFORE, Respondent is hereby ORDERED to, by no later than July 2, 2021, produce the documents responsive to Petitioner's prior requests and provided to the Court in camera or show cause by that date why the Court should not release the documents provided in camera to Petitioner.

To the extent Petitioner renews his request to hold Respondent in contempt for failing to comply with the Court's pre-March 15, 2021 Orders, the motion is denied without prejudice. Petitioner shall file a letter requesting permission to file such a motion, consistent with this Court's Individual Practices Rules, if Respondent fails to comply with this Order.

The Petitioner is directed to serve this order on the Respondent and file an affidavit of service of same with this Court. The Court also will mail a copy of this Order.

SO ORDERED.

Dated: June 17, 2021
New York, New York

Katharine H Parker

KATHARINE H. PARKER
United States Magistrate Judge

